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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SAGER, MARK ALAN

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 05/21/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/437,007

Applicant(s)
Silverbrook et al

Examiner
Sager

Art Unit
3714



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 17, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-87 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the 'processing means' (clm 1, 42, 65), newly claimed features of claims 24-26, 37-41, 43-48 and 66-72 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. See holding regarding cited means below. Instant disclosure states processor or controller chip or image sensor are not shown.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 17 (fig. 7). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 40 (casing). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "10" (4:15) and "11" (3:30) have both been used to designate PCB, printed circuit board. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "10" has been used to designate both PCB (4:15) and DVD game disk (3:23). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

6. The abstract of the disclosure is objected to because multiple paragraphs. Correction is required. See MPEP § 608.01(b).

7. The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973). Incorporation of material regarding controller chip (3:30-4:2).

8. Upon review, the amendment filed June 3, 2002 for amending page 4, lines 24 to 31 and page 5, lines 1 to 8 caused a sentence fragment 'cross reference' (5:9) to remain in originally filed disclosure.

9. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: 'or more points' (clms 24-26, 48-49, 71-72) since disclosure specifies at a certain point (5:18). Also it is noted that disclosure specifies at certain levels, a series of cards are printed out (5:16-17). Further, 'different to the corresponding display images' (clms 37, 43, 66) 'interaction information... to change or continue along, the course of the interactive program' (clms 38, 44, 67), 'take the form of one or more certificates' (clm 40, 46, 69), 'score or a user that attained the certificate' (clm 41, 47, 70) appears to lack antecedent basis within disclosure.

10. The amendment filed Dec 17, 2002 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: a 'casing... processing means' (clm 18) where a casing refers to a singular casing, 'different to the corresponding display images' (clms 37, 43, 66) 'interaction information... to change or continue along, the course of the interactive program' (clms 38, 44, 67), 'take the form of one or more certificates' (clm 40, 46, 69), 'score or a user that attained the certificate' (clm 41, 47, 70). Specifically, there is no support for a casing that includes all claimed structure since instant invention includes multiple casings (2-4), the specification fails to support images being different and no enablement of process/structure for mapping of photographic likeness onto 3D characters (clms 37, 43, 66), there is no teaching for gaming images to including interactive information or for utilizing information in course of

interactive program or for such utilization to change/continue along course as a result (clms 38, 44, 67) and the disclosure does not teach certificates for video game (clms 40-41, 46-47, 69-70).

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

12. Claims 18-41, 43-44, 46-47, 66-67 and 69-70 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The added material which is not supported by the original disclosure is as follows: 'a casing... processing means' (clm 18), 'different to the corresponding display images' (clms 37, 43, 66) 'interaction information... interactive program' (clms 38, 44, 67), 'take the form of one or more certificates' (clm 40, 46, 69), 'score or a user that attained the certificate' (clm 41, 47, 70) and 'automatically' printing (clm 42), supra.

Claim Objections

13. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they

must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 85-88 have been renumbered 84-87.

14. Claims 19-41, 43-64 and 66-87 are objected to because of the following informalities: depend from canceled claims 1-17. Claims examined for dependency from closest lowest numbered independent claim such as claims 43-64 depend from claim 42. Appropriate correction is required.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

16. Claims 18-29, 32-34, 37, 39-41, 65-66, 68-79, 81 and 83-85 are rejected under 35 U.S.C. 102(e) as being anticipated by Kelly (5816918). As claimed invention is understood as noted and with broadest interpretation of same, Kelly discloses a system teaching a gaming device (6:10-18, figs. 1-4, esp. 2) having a receptacle for accepting detachable memory (12:58-67), communication means for receiving interaction data from control device operated by a user and comprises wireless communication system (6:64-7:17, 11:35-39, 12:37-40, ref. 16, 24) and an ink jet printer

apparatus whereby Kelly inherently includes components for enabling input to camera or output to ink jet printer (10:32, 13:38-47, 14:27-33) to input user image or output prize ticket or souvenir or certificate (8:55 and 59), including corresponding components of camera or ink jet printer, as disclosed therein.

Claim Rejections - 35 USC § 103

17. Claims 42-43, 45-56, 58, 60-62 are rejected under 35 U.S.C. 102(e) as anticipated by Kelly or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kelly in view of either Ferguson (3843132) or Heckman (5291243). Kelly discloses a system teaching a gaming device comprising claimed features/steps (*supra*) including an ink jet printer which inherently automatically prints gaming images. Ferguson or Heckman is provided as evidence that a printer apparatus being operatively associated with a processor in a printing process for automatic printing of images was known prior to invention. Essentially, the automatic printing of an image is set up in a printing routine (e.g. printer control) of program application which allows user control of whether to save paper output or utilize convenience of auto-print. Kelly's system inherently includes a print control routine for printer utilization for user designation whether to utilize its convenience of automatic printing or to conserve paper. Alternatively, it is notoriously well known in printing art at a time prior to invention for a printer apparatus operatively associated with a processor to automatically print an image upon print control designation to permit a user to designate whether to auto-print output as a convenience. Ferguson discloses automatic printing of game state for a record; while, Heckman admits automatic printing in a system for remote generation or for security was known (1:19-5:36). It is further noted that

Heckman cites documents describing printing control, sic. Therefore, it would have been obvious to an artisan at a time prior to the invention to add automatically as notoriously well known or as taught by either Ferguson or Heckman to Kelly's system or Kelly's system for user convenience.

18. Claims 30-31, 57, 59, 80 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Kelly or Kelly in view of either Ferguson or Heckman. Regarding DVD, Kelly or Kelly in view of either Ferguson or Heckman discloses a system equivalent to claimed invention including detachable storage means (supra). A DVD player for utilizing DVD programs/movies is notoriously well known for increased storage capacity due to compression techniques and for providing improved graphics/sound which are known aspects of DVD technology. Therefore, it would have been obvious to an artisan at a time prior to Applicant's invention to add DVD as notoriously well known to Kelly's system or Kelly's system in view of either Ferguson or Heckman for improved graphics/sound and increased storage capacity to provide enriched output and larger multi-media files to be stored/played. Further, alternatively regarding 'DVD', the equivalence of claimed detachable storage media is noted. The difference between these features and that which is clearly taught by Kelly or Kelly in view of either Ferguson or Heckman lies in the particular type of detachable program storage means provided. As this feature is a variation of providing detachable program storage as is notoriously well known, such would have been obvious to one of ordinary skill in the art in implementation of Kelly or Kelly in view of either Ferguson or Heckman. Absent criticality, specific detachable storage falls within the realm of choice by game designers, when implementing a particular program storage (memory device) onto Kelly's system or Kelly's system in view of either

Ferguson or Heckman. The lack of criticality of the specific recitations in the claims is evidenced by Applicant's disclosure (5:27-30) or the art of storage devices which further demonstrate this variation to be equivalent choices. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add 'DVD' as an equivalent program storage means to Kelly's system or Kelly's system in view of either Ferguson or Heckman in order to increase portability to other storage platforms so as to increase the library of stored material such as programs/movies. Additionally, DVD storage devices are notoriously well known to provide improved graphics/sound output over other storage devices and thus, consumers may prefer programs/movies stored on this format which provides improved output, thereby increasing interest in purchase/use of device.

Further regarding MEMS, MEMS processing technique is known alternative formation process to form printhead deemed obvious to add to Kelly's system or Kelly's system in view of either Ferguson or Heckman for forming printhead.

19. Claims 38, 44 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of Kamille (5931467) or Schneier (5768382), or, in the alternative, claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of either Ferguson or Heckman, as applied to claims above, and further in view of Kamille (5931467) or Schneier (5768382). As best understood, the language 'interactive information... to change or continue along... program' appears to be either clue or code for either altering or continuing game play. Kelly or Kelly in view of either Ferguson or Heckman discloses a game system comprising claimed features/steps (supra) but does not disclose providing clues or codes in manner claimed.

Providing clues or codes in game to alter or continue play is notoriously well known to aid user in progress of program. Kamille discloses game teaching providing directional clue to assist user; while, Schneier discloses game teaching providing either a resume code (17:18-42) clues in crossword puzzle (inherent to provide clues in crossword puzzle, 8:62-66, 52:26-29) to assist user. Therefore, it would have been obvious to an artisan at a time prior to the invention to add 'interactive information... to change or continue along... program' as notoriously well known or as taught by either Kamille or Schneier to Silverbrook's device or Silverbrook's device in view of either Invencion or Kelly or, Silverbrook's device in view of either Invencion or Kelly and further either Ferguson or Heckman to aid user.

20. Claims 18-37, 39-41, 65-66 and 68-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook (5566290) or alternatively, over Silverbrook ('290) in view of either Invencion (5718631) or Kelly et al (5816918). Silverbrook ('290) discloses an equivalent multi-media device (1:60-4:3, figs. 1-2) for interactive games or educational programs (3:62-65) comprising a casing housing media device and a casing housing equivalent printer (3:45-50, refs. 2, 9), an equivalent processing means for executing interactive program at least partially in reliance upon interaction data to generate display images for output to an display means (3:59-4:36, esp. 3:59-65, fig. 2, ref. 50, 63, 70), a receptacle for an equivalent detachable interactive program storage means (2:4-6, ref. 11, 21, 64, 78) for execution by device, an equivalent communication means including wireless communication for detachable controller for receiving interaction data from at least one control device (2:6-18) *whereby remote control of device is enabled at a distance* to enable operational interaction from control devices during execution of

program (2:6-18; 3:45-50, fig. 2, ref. 67, 91) and an equivalent integral printer apparatus being operatively associated with processing means to print out gaming images in response to execution of program (2:54-64; 3:45-50, 4:6-7) including an integral internal print media supply unit using sheets of paper while being operatively associated with processing and operating means to print out images on paper relevant to interactive program including predetermined positions in said program as determined by program such as in educational certificates or game state as conventional (2:54-64; 3:45-50). Silverbrook does not disclose the particular printer being an ink jet with associated components, DVD, MEMS or magnetic coupling.

Silverbrook ('290) claims an equivalent detachable storage means (supra); however, it is not the particular DVD technology (clm 31, 59, 82). DVD player module for utilizing DVD programs/movies is notoriously well known for increased storage capacity due to compression techniques and for providing improved graphics/sound which are known aspects of DVD technology. Therefore, it would have been obvious to an artisan at a time prior to applicant's invention to add DVD as notoriously well known to Silverbrook's multi-media device for improved graphics/sound and increased storage capacity to provide enriched output and larger multi-media files to be stored/played. Further, alternatively regarding 'DVD', the equivalence of claimed invention to claims 31, 59, 82 is noted. The difference between these features and that which is clearly taught by Silverbrook lies in the particular type of detachable program storage means provided. As this feature is a variation of providing detachable program storage as is notoriously well known, such would have been obvious to one of ordinary skill in the art in implementation of Silverbrook. Absent criticality, specific detachable storage falls within the

realm of choice by game designers, when implementing a particular program storage (memory device) onto Silverbrook's multimedia device. The lack of criticality of the specific recitations in the claims is evidenced by Applicant's disclosure (5:27-30) and within the art of memory media which further demonstrates these variations to be equivalent choices. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add 'DVD' as an equivalent program storage means to Silverbrook's multimedia device in order to increase portability to other storage platforms so as to increase the library of stored material such as programs/movies. Additionally, DVD storage devices are notoriously well known to provide improved graphics/sound output over other storage devices and thus, consumers may prefer programs/movies stored on this format which provides improved output, thereby increasing interest in purchase/use of device.

Additionally, Silverbrook ('290) discloses an equivalent integral printer being operatively associated with equivalent processing means to print out gaming images onto sheets of paper or card in response to execution of program (supra), but does not clearly claim or disclose the particular 'printhead, ink supply unit and print media feed mechanism' (clm 18, 65), 'integral internal print media supply unit' (clm 19, 73) printed out on 'substantially business card size' sheets of paper (clm 21, 75), 'replaceable cartridge assembly' (clm 22, 76), 'print media feed roller device... to the printhead' (clm 23, 77), 'ink jet printhead' (clm 27, 78), 'page width array of ink jet ejection nozzles... actuators' (clm 28, 79), 'thermal bend actuators' (clm 29, 81) and 'MEMS' (clm 30, 80). Regarding particulars of claimed printer, ink jet printer is conventional alternative equivalent printer to Silverbrook's laser jet printer for providing hard copy of image.

Further, ink jet printers are notoriously well known to conventionally include a 'printhead, ink supply unit and print media feed mechanism' and 'integral internal print media supply unit, 'integral internal print media supply unit' printed out on 'substantially business card size' sheets of paper, 'replaceable cartridge assembly', 'print media feed roller device... within the console', 'ink jet printhead', 'page width array of ink jet ejection nozzles... actuators' and 'thermal bend actuators' for providing a hard copy print out. It would have been obvious to an artisan at a time prior to invention to add a ink jet printer having 'printhead and ink supply unit and print media feed mechanism', 'integral internal print media supply unit, 'integral internal print media supply unit' printed out on 'substantially business card size' sheets of paper, 'replaceable cartridge assembly', 'print media feed roller device... to the printhead', 'ink jet printhead', 'page width array of ink jet ejection nozzles... actuators' and 'thermal bend actuators' as notoriously well known and conventional as an equivalent alternative to Silverbrook's device (printer) to provide hard copy print out. Alternatively, Kelly or Invencion discloses a game device having ink jet printer being operatively associated with processing means where the ink jet printer inherently possesses corresponding components of 'printhead, ink supply unit and print feed mechanism', 'integral internal print media supply unit', printed out on 'substantially business card size' sheets of paper, 'replaceable cartridge assembly', 'print media feed roller device... to the printhead', 'ink jet printhead', 'page width array of ink jet ejection nozzles... actuators' and 'thermal bend actuators' for providing hard copy of game image. Further, Kelly teaches a casing housing the receptacle, communication means, processing means and the ink jet printer (figs. 1-4, esp. 2). Kelly's ink jet printer inherently possesses corresponding components which prints out coupons,

tickets and certificates (supra) being on sheets of paper including 'substantially business card size' sheets of paper dependent upon application or desired output, as conventional. While, Invencion teaches a casing housing for communication means and processing means and a casing for the ink jet printer with the ink jet printer inherently possessing corresponding components for the user's determination whether to print on substrate having dimensions of legal, standard paper, envelope or 'substantially business card size' sheets of paper dependent upon application or desired output, as conventional. Therefore, it would have been obvious to an artisan at a time prior to the invention to add ink jet printer having 'printhead and ink supply unit and print media feed mechanism', 'integral internal print media supply unit', 'integral internal print media supply unit' printed out on 'substantially business card size' sheets of paper, 'replaceable cartridge assembly', 'print media feed roller device... to the printhead', 'ink jet printhead', 'page width array of ink jet ejection nozzles... actuators' and 'thermal bend actuators' as notoriously well known and conventional as an equivalent alternative to Silverbrook's device (printer) to provide hard copy of image. Essentially, it is noted for clarity of record, that the claim language 'including a casing' fails to preclude multiple casings such as suggested by Silverbrook's casing (fig. 1) and casing for remote, but operatively associated printer and demonstrated by Invencion. However, also, the claim language includes a singular casing housing receptacle, communication means, processing means and ink jet printer which is taught by Kelly. Thus, the combination of Silverbrook with either Invencion or Kelly taken as a whole at a time prior to the invention suggests to an artisan a device having an inkjet printer and claimed components within a casing or separate casings rendering scope of claimed invention unpatentable.

Further regarding MEMS, MEMS processing technique is known alternative formation process to form printhead deemed obvious to add to Silverbrook's multi-media device or Silverbrook's multi-media device in view of either Invencion or Kelly for forming printhead.

Finally, magnetic coupling is known alternative method of attaching/detaching deemed obvious to add to Silverbrook's multi-media device or Silverbrook's multi-media device in view of either Kelly as an alternative means for permitting selective attaching/detaching.

Essentially, the particularly claimed printer in combination with claimed game device fails to patentably distinguish over equivalent printer in Silverbrook or Silverbrook in view of either Invencion or Kelly (*supra*).

21. Claims 42-43 and 45-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook ('290) or, in the alternative, over Silverbrook in view of either Invencion or Kelly as applied to claims above, and further in view of either Ferguson (3843132) or Heckman (5291243). Silverbrook or Silverbrook in view of either Invencion or Kelly discloses/suggests claimed invention (*supra*). Regarding automatically, Ferguson or Heckman is provided as evidence that a printer apparatus being operatively associated with a processor in a printing process for automatic printing of images was known prior to invention. Essentially, the automatic printing of an image is set up in a printing routine (e.g. printer control) which allows user control to save paper or utilize convenience of printer control. Silverbrook's system inherently possesses printer control for printer utilization including user designation whether to utilize user convenience of automatic printing. Thus, Silverbrook or Silverbrook in view of either Invencion

or Kelly inherently includes automatically printing by user designation of printer control for user convenience.

Alternatively, it is notoriously well known in printing art at a time prior to invention for a printer apparatus operatively associated with a processor to automatically print an image upon such being set up by printer control to permit a user to designate whether to auto-print output as a convenience. Ferguson discloses automatic printing of game state for a record; while, Heckman admits automatic printing in a system for remote generation or for security was known (1:19-5:36). It is further noted that Heckman cites documents describing printing control, sic.

Therefore, it would have been obvious to an artisan at a time prior to the invention to add automatically as notoriously well known or as taught by either Ferguson or Heckman to Silverbrook's system or Silverbrook's system in view of Invencion or Kelly for user convenience.

22. Claim 38, 44 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook ('290) in view of either Nagel (5678001), Kamille (5319467) or Schneier (5768382) or, in the alternative, over Silverbrook in view of either Invencion or Kelly as applied to claims above, and further in view of either Nagel (5678001), Kamille (5319467) or Schneier (5768382) or, in the alternative, over Silverbrook in view of either Invencion or Kelly, and further in view of either Ferguson or Heckman as applied to claims above, and further in view of either Nagel (5678001), Kamille (5319467) or Schneier (5768382). As best understood, the language 'interactive information... to change or continue along... program' appears to be either clue or code for either altering or continuing game play. Silverbrook or Silverbrook in view of either Invencion or Kelly or, Silverbrook in view of either Invencion or Kelly and further either

Ferguson or Heckman discloses a game device comprising claimed features/steps (supra), but does not discuss providing clues or codes in manner claimed. Providing clues or codes in game to alter or continue play is notoriously well known to aid user in progress of program. Nagel discloses game teaching providing hints or clues (figs. 1-7) to assist user; while, Kamille discloses game teaching providing directional clue to assist user or Schneier discloses game teaching providing either a resume code (17:18-42) clues in crossword puzzle (inherent to provide clues in crossword puzzle, 8:62-66, 52:26-29) to assist user. Therefore, it would have been obvious to an artisan at a time prior to the invention to add 'interactive information... to change or continue along... program' as notoriously well known or as taught by either Nagel or Kamille or Schneier to Silverbrook's device or Silverbrook's device in view of either Invencion or Kelly or, Silverbrook's device in view of either Invencion or Kelly and further either Ferguson or Heckman to aid user.

Response to Arguments

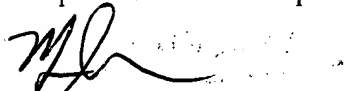
23. Applicant's arguments with respect to claims 18-87 have been considered but are moot in view of the new ground(s) of rejection. Regarding Applicant's remark that Silverbrook does not provide a basis for anticipation, the holding regarding Silverbrook is clearly stated as obviousness under 103; however, Silverbrook provides clear support to an artisan for device used as game or educational device (1:60-4:36, esp. 3:59-65). Automatic printing of image at a predetermined point is inherent to printer control for printer apparatus or clearly obvious to add to system containing a printer for user convenience. At least Invencion or Kelly or Ferguson or Heckman

disclose automatic printing of game state images. Further, Kelly or Schneier each teach printing award or performance certificates.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Komaki or Houle each disclose detachable controller/processor means. Math Adventure or Word Adventure from 7th Level teaches printing out performance certificates.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. A. Sager whose telephone number is (703) 308-0785. The examiner can normally be reached on T-F from 0700 to 1700. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Tom Hughes, can be reached on (703) 308-1806. The fax phone number for this Group is (703) 872-9303. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.



M. Sager
Primary Examiner
May 15, 2003